

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

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SAVGIL YEVDAYEV

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Case No.: 14-20840 RAG

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Chapter 7

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Debtor

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**MOTION TO SELL REAL PROPERTY KNOWN AS
3503 WOODVALLEY DRIVE, BALTIMORE, MARYLAND 21208**

Brian A. Goldman, Trustee (the “Trustee”), by his undersigned attorneys, hereby moves, pursuant to 11 U.S.C. § 363(b) and (f) and Rules 2002, 6004, and 9014 of the Federal Rules of Bankruptcy Procedure, for approval of the sale of the Debtor’s real property, free and clear of all liens, encumbrances and other interests, and for reasons states as follows:

1. On July 8, 2014, the Debtor, filed a voluntary petition under Chapter 7 of Title 11 of the United States Code (the “Petition Date”). On October 8, 2014, the Debtor moved to convert to a case under Chapter 13 of Title 11 of the United States Code. On January 23, 2015, this Court ordered that the case be converted back to one under Chapter 7 of Title 11 of the United States Code.

2. Brian A. Goldman was appointed the Chapter 7 Trustee, he accepted his appointment, and qualified as such by having his bond approved.

3. The Debtor has an interest in the real property located at 3503 Woodvalley Drive, Pikesville, Maryland 21208 (the “Property”).

4. The Debtor’s Schedules state that the Property is valued at \$344,800.00. The Trustee has entered into a Residential Contract of Sale to sell the Property for \$330,000.00. There is a first deed of trust lien against the Property for the benefit of Dmitry Fayer (“Fayer”). The debt owed to Fayer is \$88,000.

5. The purchaser of the Property is Zinaida Berer (the “Purchaser”). To the best of the Trustee's knowledge, information, and belief there is no relationship between the Purchasers and any party in interest.

6. The cost of any recordation tax or any state or local transfer tax shall be equally shared between the Purchasers and Trustee. A copy of the Residential Contract of Sale for the Property is attached hereto and incorporated herein as Exhibit A.

7. Pursuant to the Residential Contract of Sale, Settlement is scheduled for November 16, 2015.

8. At closing, Baltimore County, Maryland shall be paid in full all public taxes, assessments, and charges in the amount due at the time of settlement. At closing, Fayer shall be paid in full all sums properly secured by his first position deed of trust lien against the Property.

9. All the remaining interests (the “Interests”), if any, shall transfer to the remaining net proceeds of the sale of the Property, which proceeds shall be held in the Estate account, pending a determination of the validity, amount, and priority of the Interests. After such determination, the Interests shall be paid from the remaining proceeds in the same priority and amount as such Interests attached to the Property, subject to the agreement of the parties, to further order of this Court, and further subject to the provisions of 11 U.S.C. § 506(c). Thereafter, the proceeds remaining, if any, shall be paid to this Bankruptcy Estate and will be held for distribution in accordance with the priorities established by the Bankruptcy Code.

10. In addition, by this Motion, the Trustee seeks a waiver of any stay of the effectiveness of the order approving the relief requested in this Motion. Pursuant to Bankruptcy Rule 6004(h), “[a]n order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise.” For the reasons,

described above, the Trustee submits that ample cause exists to justify a waiver of the 14-day stay imposed by Bankruptcy Rules 6004(h) and 6006(d), to the extent that they apply.

WHEREFORE, Brian A. Goldman, Trustee, requests that this Court enter an Order authorizing the sale of the Property free and clear of the Interests.

/s/ Mark Edelson
Mark Edelson
Federal Bar No.: 29433
Goldman & Goldman, P. A.
Foxleigh Building
2330 West Joppa Road, Suite 300
Lutherville, Maryland 21093
medelson@goldmangoldman.com
(410) 296-0888

Attorneys for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 30th day of September, 2015, copies of the foregoing Motion to Sell Real Property Free and Clear of Liens, Encumbrances, and Other Interests and proposed Order were mailed, first class, postage prepaid to:

Office of the U.S. Trustee
101 W. Lombard Street, Suite 2625
Baltimore, Maryland 21201

Anthony H. Davis, II, Esquire
P.O. Box 214
Laurel, Maryland 20725
(240) 380-7686

Mr. Savgil Yevdayev
Ms. Stella Yevdayev
3503 Woodvalley Drive
Baltimore, Maryland 21208

Mr. Dmitry Fayer
Fathom Realty
8373 Piney Orchard Parkway, Suite 203
Odenton, Maryland 21113

Ronald M. Osher
Long and Foster Real Estate, Inc.
10801 Tony Drive
Lutherville, Maryland 21093

Ms. Zinaida Berer
Zina's Day Spa Inc.
2832 O'Donnell Street
Baltimore, MD 21224

/s/ Mark Edelson
Mark Edelson